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20 **UNITED STATES DISTRICT COURT**  
21 **DISTRICT OF NEVADA**

22 ASHLEY O'NEIL,

23 Plaintiff,

24 vs.

25 LAS VEGAS METROPOLITAN POLICE  
26 DEPARTMENT, et al.,

27 Defendants.

Case No.: 2:22-cv-00474-ART-BNW

28 **STIPULATION TO EXTEND DISCOVERY DEADLINES**  
**(Third Request)**

IT IS HEREBY STIPULATED AND AGREED between the parties through their respective counsel that the discovery deadlines in this matter be extended as set forth below.

**I. DISCOVERY COMPLETED TO DATE:**

All parties have provided their initial Rule 26, Disclosures. Supplemental

disclosures have been provided as follows:

1. Defendant LVMPD's Supplemental Disclosures:

a. First Supplement: July 25, 2023

b. Second Supplement: October 2, 2023

2. Defendant Wellpath's Supplemental Disclosures:

a. First Supplement: December 3, 2023

b. Second Supplement: December 6, 2023

Defendant LVMPD served Interrogatories and Requests for Production on Plaintiff on September 27, 2023. Plaintiff served responses on November 10, 2023. Defendant LVMPD served Requests for Admission on Plaintiff on January 31, 2024. Plaintiff's responses are currently due on April 1, 2024.

Plaintiff has provided Defendants with executed medical authorizations.

Defendant LVMPD issued subpoenas to University Medical Center of Southern Nevada UMC, Orthopaedic & Spine Institute, G. Mark Sylvain, M.D., Orthopaedic Specialists of Nevada, LLC, Michael T. Monroe, M.D., Hanger Prosthetics & Orthotics, Inc. dba The Hanger Clinic, Desert Radiologists, Inc. dba Desert Radiology, Nevada Department of Corrections, Florence McLure Women's Correctional Center, City of Las Vegas, Las Vegas Fire & Rescue, American Medical Response, Inc. aka "AMR," Medicwest Ambulance, Inc., Clark County Fire Department, Nevada Department of Public Safety, Nevada State Police (fka Nevada Highway Patrol) on December 1, 2023.

Defendant LVMPD issued subpoenas to Geico Insurance and Progressive Casualty Insurance Company on January 29, 2024.

## **II. DISCOVERY YET TO BE COMPLETED**

1. Deposition of Plaintiff

2. Depositions of Defendants

3. Depositions of FRCP 30(b)(6) witnesses

4. Depositions of percipient witnesses

5. Deposition of treating providers
6. Expert discovery, including expert disclosures and depositions
7. Additional written discovery as needed
8. Subpoenas to third parties for records and information

### **III. REASONS THE REMAINING DISCOVERY WAS NOT COMPLETED WITHIN THE TIME LIMITS SET BY THE DISCOVERY PLAN**

This is a complex 42 U.S.C. § 1983 case. Plaintiff has the following claims:

1. Violations of 42 U.S.C. § 1983 for violations of the Fourteenth and Eighth Amendments of the United States Constitution against Doe Nurse Coco, and Doe Officers and Nurses.
2. Violations of the Nevada Constitution
3. *Monell* liability against LVMPD and Wellpath
4. Negligence against LVMPD and Wellpath
5. Concert of Action
6. Negligent Infliction of Emotional Distress

The parties have been diligent in proceeding with discovery in this matter. Plaintiff's medical treatment is extensive and has continued from her pre-trial detention through the present. Part of Plaintiff's damages also include a permanent disability resulting from Defendants' conduct. The extent of this disability is yet to be determined as Plaintiff is still undergoing treatment while she is incarcerated.

Because of Plaintiff's incarceration, communication with Plaintiff is delayed. It takes several days, and sometimes weeks, to correspond with Plaintiff and obtain necessary signatures and information.

In addition, Defendant Wellpath recently changed counsel. As noted in prior stipulations submitted to this Court,<sup>1</sup> Wellpath's prior counsel had health issues that required surgery and experienced significant complications requiring an

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<sup>1</sup> ECF Nos. 47 and 49

extended recovery time.<sup>2</sup> Wellpath's new counsel, Ethan Featherstone, Esq., entered an appearance on March 14, 2024.<sup>3</sup>

Moreover, Plaintiff also obtained new counsel, Lauren Bonds, Esq., Keisha James, Esq., and Eliana Machefsky, Esq., whose *pro hac vice* applications were granted on March 14, 2024<sup>4</sup> and March 18, 2024.<sup>5</sup>

The parties anticipate extensive medical and expert discovery. There are numerous depositions that need to take place in advance of expert discovery including the depositions of Plaintiff, Plaintiff's treating physicians, each defendant, percipient witnesses, and FRCP 30(b)(6) witnesses. Additional discovery needs to take place to identify Doe Nurse Coco and the Doe Officers and Nurses.

Now that new counsel has entered an appearance, the parties can commence this discovery and jointly propose the following schedule:

#### **IV. PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY**

The parties jointly propose the following discovery plan:

	<u><b>Current Date</b></u>	<u><b>Proposed Date</b></u>
Discovery Cut-Off:	July 26, 2024	October 24, 2024
Final date to file motions to amend pleadings or add parties: <sup>6</sup>	February 22, 2024	May 22, 2024
FRCP 26(a)(2) Expert Disclosures:		
i. Initial disclosure: <sup>7</sup>	May 27, 2024	August 26, 2024
ii. Rebuttal disclosure: <sup>8</sup>	June 26, 2024	September 24, 2024
Dispositive Motions:	August 26, 2024 <sup>9</sup>	December 2, 2024 <sup>10</sup>

<sup>2</sup> ECF No. 43, 3:4-7 and ECF No. 47, 3:10-13

<sup>3</sup> ECF No. 52

<sup>4</sup> ECF Nos. 54 and 55

<sup>5</sup> ECF No. 59

<sup>6</sup> 90 days before discovery cut-off

<sup>7</sup> 60 days before discovery cut-off

<sup>8</sup> 30 days after initial disclosures

<sup>9</sup> 30 days after discovery cut-off

<sup>10</sup> This date has been extended beyond 90 days to account for the Thanksgiving holiday.

	<u><b>Current Date</b></u>	<u><b>Proposed Date</b></u>
Joint Pre-Trial Order:	September 25, 2024 <sup>11</sup>	January 2, 2025 <sup>12</sup>

If no dispositive motions are filed, the Joint Pretrial Order shall be filed by Friday, January 2, 2025, which is no later than thirty days after the date set for the filing of dispositive motions. In the event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until thirty days after the decision on the dispositive motions or by further order of the court.

The parties anticipate that, pending any unforeseen circumstances outside the parties' control, the above extension of the current discovery deadlines should allow the parties to conduct and complete the outstanding discovery.

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28 <sup>11</sup> 30 days after dispositive motions

<sup>12</sup> This date has been extended beyond 90 days to account for the Christmas holiday.

1 This is the third request for an extension of the current discovery deadlines.  
2 It is made by the parties in good faith and not for the purpose of delay.

3  
4 DATED: March 26, 2024.

5 **THE VIEIRA FIRM**

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DATED: March 26, 2024.

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13 DATED: March 26, 2024.

14 **NATIONAL POLICE  
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DATED: March 26, 2024.

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23 \*admitted *pro hac vice*

24 **ORDER**

25 IT IS SO ORDERED.

26   
27 UNITED STATES MAGISTRATE JUDGE

28 DATE: 3/27/2024